

By Senator Greer:

Petition from citizens of Upshur county, protesting against passage of Senate bills Nos. 9, 11 and 19 and House bills Nos. 93 and 97.

The Chair had the following read to the Senate:

Dallas, Texas, February 2, 1909.

Texas Senate, Austin:

At a meeting of eighteen church-going members of the Memorial Baptist Church, a resolution was unanimously adopted requesting your honorable body to pass the Robertson anti-gambling race-horse bill.

J. F. COPELAND, Chairman.

THIRTY-FIRST DAY.

Senate Chamber,
Austin, Texas,

Tuesday, February 23, 1909.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

Roll call, quorum present, the following Senators answering to their names:

Adams.	Peeler.
Alexander.	Perkins.
Brachfield.	Real.
Bryan.	Senter.
Cofer.	Stokes.
Greer.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of
Hudspeth.	McLennan.
Kellie.	Thomas.
Masterson.	Veale.
Mayfield.	Ward.
Murray.	Watson.
Paulus.	Willacy.

Absent.

Harper.	Meachum.
Hume.	Weinert.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Cofer, the same was dispensed with.

EXCUSED.

On account of sickness:

Senator Hume for today, on motion of Senator Peeler.

On account of important business:

Senator Real for yesterday, on motion of Senator Alexander.

Senator Willacy for yesterday, on motion of Senator Watson.

Senator Weinert for yesterday and today, on motion of Senator Murray.

INVITATION TO ATTEND MUSICAL.

Austin, Texas, February 23, 1909.

Hon. A. B. Davidson, President of the Senate, Austin, Texas.

Dear Sir: The members of the Thirty-first Legislature and their friends are extended a cordial invitation to attend a grand musical concert to be given by the State School for the Blind on Thursday evening, February 25, beginning promptly at 8:30 o'clock in the school auditorium.

The program will consist of classical and patriotic selections from our orchestra of twenty instruments, of selections by the Mandolin and Guitar Club, of songs by a mixed chorus of thirty voices, of songs by the girls' double quartette, and by the male quartette, of drills by the class in physical training, and of other appropriate numbers.

The entire program will constitute a strictly high-grade and enjoyable entertainment, and the presence of every member of the Legislature is desired.

Respectfully,

F. C. VON ROSENBERG,
President Board of Trustees.
F. M. BRALLEY,
Superintendent.

On motion of Senator Cofer, the above invitation was accepted.

DAUGHTERS OF CONFEDERACY INVITED TO SEATS IN SENATE CHAMBER.

Senator Willacy here moved that the Daughters of the Confederacy be invited to seats in the Senate Chamber for today during the discussion of Senate Joint Resolution No. 7, said resolution relating to the establishing of a home for wives of ex-Confederate soldiers.

The motion was adopted by the following vote:

Yeas—23.

Adams.	Cofer.
Alexander.	Greer.
Brachfield.	Hayter.
Bryan.	Holsey.

Hudspeth.	Senter.
Kellie.	Stokes.
Masterson.	Sturgeon.
Mayfield.	Terrell of Bowie.
Meachum.	Terrell of McLennan.
Murray.	Thomas.
Paulus.	Veale.
Peeler.	Ward.
Perkins.	Watson.
Real.	Willacy.

Absent.

Harper.

Absent—Excused.

Hume.

Weinert.

INVITATION TO VISIT DALLAS.

Senator Senter offered the following:

Dallas, Texas, February 23, 1909.

To the Honorable Senate of the State of Texas:

The city of Dallas, through its State Senator, cordially invites the honorable members of the Senate and their families and the officers of the Senate to become the guests of Dallas at such date and for such time as may be agreeable to the Senate. Transportation to and from Dallas will be provided, and every effort will be made to acquaint the people of Dallas with the Senators, officers and their families, as our guests, and to cultivate such relations of free intercourse and friendship as the people of Dallas will be honored to enjoy, and such as ought to obtain between the people of the State's most important city and the members of the Senate.

COMMISSION OF THE CITY OF DALLAS,

By WM. DORAN.
CHAMBER OF COMMERCE,
By L. O. DANIEL.

SIMPLE RESOLUTION.

By Senator Senter:

Resolved, That the invitation presented by the city of Dallas be accepted, and that a visit to that city be made in accordance therewith, leaving Austin Friday night, February 26, and returning the night of February 28.

On motion of Senator Senter, the resolution and invitation were laid on the table, subject to call.

SIMPLE RESOLUTION.

Senator Holsey offered the following resolution:

Resolved, That the House be requested to return House bill No. 357 (being the Corsicana charter) for correction.

The resolution was read and adopted.

BILLS AND RESOLUTIONS.

By Senators Watson and Hudspeth:

Senate bill No. 255, A bill to be entitled "An Act to provide for the organization of a 'Ranger Force' for the protection of the frontier against marauding and thieving parties and for the suppression of lawlessness and crime throughout the State; to prescribe the duties and powers of member of such force, and to regulate their compensation, and declaring an emergency."

Read first time, and referred to Committee on Military Affairs.

By Senator Terrell of Bowie:

Senate bill No. 256, A bill to be entitled "An Act to create the office of public weigher in the towns, cities and precincts of the State; to fix the term of office; to provide for their qualifications, appointment, election and qualification; to prescribe their duties and liabilities; to provide for the appointment of deputy public weighers, and to prescribe their qualifications, duties and responsibilities; to make the violation of official duty by public weighers or their deputies a misdemeanor and to prescribe a penalty therefor; to prescribe what articles or products shall be weighed by a public weigher or his deputy, and to fix fees therefor; to prescribe what persons, firms or corporations shall employ public weighers or their deputies to weigh the products bought or handled by such persons, firms or corporations, and to prescribe penalty against such persons, firm or corporation for weighing or employing other than a public weigher or deputy to weigh such article or products as are required by the provisions of this act to be weighed by a public weigher or deputy public weigher, and to repeal all laws in conflict with this act, and to declare an emergency."

Read first time, and referred to Committee on Towns and City Corporations.

By Senator Kellie:

Senate bill No. 257, A bill to be entitled "An Act to regulate the use of books to be used in the public schools of Texas."

Read first time, and referred to Committee on Educational Affairs.

By Senator Bryan (by request):

Senate bill No. 258, A bill to be entitled "An Act to prevent any railroad company from rebating or returning to the consignee or to the shipper any part of the freight charges on any shipment of goods or products transported by any railroad company, except upon the certificate of a public weigher or deputy public weigher as to the weight of the consignment of such goods or products at the place, town or city to which it is consigned, and to prescribe a penalty for violation of the provisions of this act, and to declare an emergency."

Read first time, and referred to Committee on Internal Improvements.

By Senator Veale:

Senate bill No. 259, A bill to be entitled "An Act to incorporate the Wichita Falls Independent School District, to authorize the election of trustees, the issuance of bonds," etc.

Read first time, and referred to Committee on Educational Affairs.

By Senator Veale:

Senate bill No. 260, A bill to be entitled "An Act to amend Sections 2, 12, 13 and 15 of an act creating the Lubbock Independent School District, and declaring an emergency."

Read first time, and referred to Committee on Educational Affairs.

By Senator Peeler:

Senate bill No. 261, A bill to be entitled "An Act to amend Section 2, Article 1 of the Special Laws of Texas, passed at the Regular Session of the Thirty-first Legislature, entitled 'An Act to grant a new charter to the city of Austin, Travis county, Texas'; repealing all laws and parts of laws in conflict herewith, and declaring an emergency, approved February 3, 1909."

Read first time, and referred to Committee on Towns and City Corporations.

Morning call concluded.

(By unanimous consent after the morning call was concluded.)

By Senators Veale and Mayfield:

Senate bill No. 262, A bill to be entitled "An Act to create a State Board of Control and to provide for the management and control of various lunatic asylums, epileptic colony at Abilene, Texas, and the Deaf and Dumb and Blind Asylums, the Deaf and Dumb and Blind Asylums for colored youths, the Orphan Asylum and the Texas Confederate Home and such other similar institu-

tions hereafter established; to make an appropriation therefor; to abolish certain offices heretofore created; to repeal all laws in conflict with this act, and declaring an emergency."

Read first time, and referred to Committee on State Affairs.

By Senator Ward:

Senate bill No. 263, A bill to be entitled "An Act creating an independent school district for free school purposes only, in the county of Johnson, and to be known as the Burleson Independent School District, and to have all the rights, powers and duties of an independent school district formed for free school purposes only, and declaring an emergency."

Read first time, and referred to Committee on Educational Affairs.

By Senator Terrell of McLennan:

Senate bill No. 264, A bill to be entitled "An Act to amend Sections 5 and 6 of Chapter 134 of the General Laws passed by the Thirtieth Legislature, entitled 'An Act to authorize any county, or any political subdivision of a county upon a vote of two-thirds majority of the resident property taxpayers voting thereon, who are qualified electors of such county or political subdivision of the county, to issue bonds or otherwise lend its credit in any amount not to exceed one-fourth of the assessed valuation of the real property of such county or political subdivision thereof, and to levy and collect taxes to pay the interest on said bonds, and to provide a sinking fund for the redemption thereof for the purpose of constructing, maintaining and operating macadamized, graveled and paved roads and turnpikes, or in aid thereof, and to add thereto Section 6a, creating road districts, and making them bodies corporate, and creating the office of road superintendent in such road districts, and declaring an emergency."

Read first time, and referred to Committee on Roads, Bridges and Ferries.

By Senator Watson:

Senate bill No. 265, A bill to be entitled "An Act to declare it unlawful for any person, or the lessee, agent or manager of any corporation, by letter, word, sign, circular or in any other manner to direct or to suggest under threat of dismissal or other punishment, how, when or where any employe shall cash or receive money upon any checks, voucher or other evidence of debt issued by said person, lessee, agent, man-

ager or superintendent of any corporation; providing for punishment therefor, and to declare an emergency."

Read first time, and referred to Committee on Internal Improvements.

SENATE BILL NO. 154.

The Chair laid before the Senate, as pending business and on second reading,

Senate bill No. 154, A bill to be entitled "An Act to amend Article 642 of the Revised Civil Statutes of Texas, as amended by Chapter 130, Acts of the Twenty-fifth Legislature, Chapter 43, Acts of the Twenty-sixth Legislature, Chapter 143, Acts of the Twenty-seventh Legislature, and Chapter 100, Acts of the Twenty-eighth Legislature, by amending Subdivision 61 thereof, and authorizing the formation of corporations for the construction and operation of interurban electric, gas or gasoline, denatured alcohol or naphtha motor railways, and declaring an emergency."

The question on the bill was on the amendment by Senators Murray and Meachum (see yesterday's Journal for the amendment).

The amendment was adopted.

Senator Brachfield offered the following amendment, which was read and adopted:

Amend by adding Subdivision 79, as follows:

"Subdivision 79. That corporations organized or chartered under the laws of this State for the manufacture of ice shall, in addition to the privileges and power now extended to such corporations by the laws of this State, be authorized to engage in and transact the business of buying, selling and refrigerating poultry and poultry products and fresh meats, and buying, canning, refrigerating and selling fruits and vegetables, produce and dairy products."

Senator Alexander offered the following amendment, which was read and adopted:

Amend by striking reference to Section 74 out of caption and renumbering them, and amend by adding Subdivision 79 to caption.

Senators Terrell of Bowie and Murray offered the following amendment:

Amend the bill by adding to Section 1 the following: "All corporations provided for in this bill, except electric lines, gas, gasoline, denatured alcohol or naphtha motor railways, and those mentioned in Subdivision 79, shall be confined in their business to the coun-

ties of their residence or principal office."

Pending discussion on the above amendment,

Senator Alexander moved the previous question on the amendment and the bill.

The previous question being seconded, it was so ordered.

The amendment by Senators Terrell of Bowie and Murray was lost by the following vote:

Yeas—8.

Brachfield.	Mayfield.
Bryan.	Sturgeon.
Greer.	Terrell of Bowie.
Holsey.	Thomas.

Nays—18.

Adams.	Paulus.
Alexander.	Peeler.
Cofer.	Perkins.
Hayter.	Real.
Hudspeth.	Senter.
Kellie.	Terrell of McLennan.
Masterson.	Ward.
Meachum.	Watson.
Murray.	Willacy.

Absent.

Harper.	Veale.
Stokes.	

Absent—Excused.

Hume.	Weinert.
-------	----------

On the engrossment of the bill, Senator Terrell of Bowie moved a call of the Senate.

Senator Alexander made the point of order on the motion of a call of the Senate that the roll call of the Senate showed a quorum present, and the motion was out of order.

The Chair, Lieutenant Governor Davidson, overruled the point of order.

The Chair directed the roll to be called, and the following Senators answered to their names:

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Kellie.	Thomas.
Masterson.	Veale.
Mayfield.	Ward.
Meachum.	Watson.
Murray.	Willacy.

Harper. Absent.
Absent—Excused.
Hume. Weinert.

Senator Meachum moved that the absentees be excused.

The motion to excuse the absentees was adopted by the following vote:

Yeas—20.

Adams.	Paulus.
Alexander.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Hayter.	Senter.
Hudspeth.	Terrell of McLennan.
Kellie.	Veale.
Masterson.	Ward.
Meachum.	Watson.
Murray.	Willacy.

Nays—8.

Brachfield.	Stokes.
Greer.	Sturgeon.
Holsey.	Terrell of Bowie.
Mayfield.	Thomas.

Harper. Absent.
Absent—Excused.
Hume. Weinert.

SENATE BILL NO. 154.

Action then, recurred on Senate bill No. 154, the question being on the engrossment of same.

The bill was read second time, and ordered engrossed by the following vote:

Yeas—20.

Adams.	Paulus.
Alexander.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Hayter.	Senter.
Hudspeth.	Terrell of McLennan.
Kellie.	Veale.
Masterson.	Ward.
Meachum.	Watson.
Murray.	Willacy.

Nays—8.

Brachfield.	Stokes.
Greer.	Sturgeon.
Holsey.	Terrell of Bowie.
Mayfield.	Thomas.

Absent—Excused.
Harper. Weinert.
Hume.

Senator Alexander moved that the constitutional rule requiring bills to be read on three several days be suspended, and the bill be put on its third reading and final passage.

The motion was lost by the following vote:

Yeas—21.

Adams.	Peeler.
Alexander.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Hayter.	Stokes.
Hudspeth.	Terrell of McLennan.
Kellie.	Veale.
Masterson.	Ward.
Meachum.	Watson.
Murray.	Willacy.
Paulus.	

Nays—7.

Brachfield.	Sturgeon.
Greer.	Terrell of Bowie.
Holsey.	Thomas.
Mayfield.	

Absent—Excused.

Harper. Weinert.
Hume.

SENATE BILL NO. 238.

Senate bill No. 41, being the first special order for this hour, the Chair laid same before the Senate, and

On motion of Senator Meachum, the special order of business (Senate bill No. 41) was suspended, and the Senate took up, out of its order, Senate bill No. 238, by the following vote:

Yeas—27.

Adams.	Peeler.
Alexander.	Perkins.
Brachfield.	Real.
Bryan.	Senter.
Cofer.	Stokes.
Greer.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Thomas.
Masterson.	Veale.
Mayfield.	Ward.
Meachum.	Watson.
Murray.	Willacy.
Paulus.	

Nays—1.

Kellie. Absent.

Harper. Absent—Excused.
Hume. Weinert.

The Chair laid before the Senate, on second reading,

Senate bill No. 238, A bill to be entitled "An Act to authorize the commissioners courts of the several counties in Texas to create and establish improvement districts to prevent overflows, and to construct and maintain levees and other improvements on rivers, creeks and streams, and to prevent overflows, to order and hold elections for the purpose of voting on the establishment of districts and authorizing the issuance of bonds to pay for such improvements and the maintenance thereof, and the levying and collection of taxes to pay for such bonds and interest thereon; to appoint commissioners and all other necessary officers of such improvement districts for the purpose of carrying into effect the provisions of this act; defining their powers and duties; granting the right of eminent domain to such improvement districts and authorizing the improvement commissioners to acquire by purchase, gift or grant, for such districts title to any right of way and other property, and such levees or other improvements as may have been therein previously constructed or made in such districts and authorizing such commissioners to sell any property acquired by said district under the provisions of this act or otherwise, and generally authorizing the commissioners court and improvement commissioners to do all things necessary for the establishment and maintenance of such districts and the construction and maintenance of said levees and other improvements, according to the provisions of this act, and making it a penal offense for any person to wilfully prevent the improvement district officers from entering upon such person's land for the purpose of carrying out the provisions of this act, and providing a penalty therefor, and creating other offenses and providing penalties therefor under this act, and repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Bill read second time, and ordered engrossed.

On motion of Senator Meachum, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—28.

Adams.	Bryan.
Alexander.	Cofer.
Brachfield.	Greer.

Hayter.	Real.
Holsey.	Senter.
Hudspeth.	Stokes.
Kellie.	Sturgeon.
Masterson.	Terrell of Bowie.
Mayfield.	Terrell of McLennan.
Meachum.	Thomas.
Murray.	Veale.
Paulus.	Ward.
Peeler.	Watson.
Perkins.	Willacy.

Absent.

Harper.

Absent—Excused.

Hume.

Weinert.

The bill was read third time, and passed by the following vote:

Yeas—28.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Kellie.	Thomas.
Masterson.	Veale.
Mayfield.	Ward.
Meachum.	Watson.
Murray.	Willacy.

Absent.

Harper.

Absent—Excused.

Hume.

Weinert.

Senator Meachum moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE JOINT RESOLUTION NO. 7.

On motion of Senator Willacy, the special order of business (Senate bill No. 41) was suspended, and the Senate took up, out of its order, Senate Joint Resolution No. 7, by the following vote:

Yeas—28.

Adams.	Holsey.
Alexander.	Hudspeth.
Brachfield.	Kellie.
Bryan.	Masterson.
Cofer.	Mayfield.
Greer.	Meachum.
Hayter.	Murray.

Paulus.	Terrell of Bowie.
Peeler.	Terrell of McLennan.
Perkins.	Thomas.
Real.	Veale.
Senter.	Ward.
Stokes.	Watson.
Sturgeon.	Willacy.

Absent.

Harper.

Absent—Excused.

Hume.

Weinert.

The Chair laid before the Senate, on second reading,

Senate Joint Resolution No. 7, To amend Section 51 of Article 3 of the Constitution of the State of Texas, as amended in 1903, so as to authorize the grant of aid in the establishment and maintenance of a home for the disabled and dependent wives and widows of Confederate soldiers and sailors and such women as aided the Confederacy, and making an appropriation.

The resolution was read, and

Senator Willacy offered the following amendment, which was read and adopted:

Amend by striking out the word "never," in line 28, page 1, and insert in lieu thereof the word "ever."

Senator Willacy offered the following amendment, which was read and adopted:

Amend Senate Joint Resolution No. 7 by adding to Section 2 the following: "Those voting for amendment shall have written or printed on their ballots the following: 'For Confederate Woman's Home amendment,' and those voting against said amendment shall have written or printed on their ballots the following: 'Against Confederate Woman's Home amendment.'"

During the speeches on the above resolution, Senator Kellie, the only ex-Confederate member of the Senate, was called to the Chair and presided during the consideration of the resolution.

Pending the consideration of the resolution, Senator Murray offered the following, which was read to the Senate:

We, the undersigned Senators, hereby tender to the Daughters of the Confederacy our services in the canvass before the people for the constitutional amendment establishing a home for the wives and widows and women who aided in the Confederacy.

Murray, Sturgeon, Paulus, Hayter, Peeler, Greer, Masterson, Mayfield, Perkins, Holsey, Terrell of McLennan, Ward, Real, Senter, Hudspeth, Terrell of

Bowie, Watson, Bryan, Thomas, Adams, Willacy, Brachfield, Alexander, Meachum, Cofer, Kellie.

Senator Sturgeon made the following motion:

Resolved, That the statement just sent up by Senator Murray and others be copied in the Journal, and that a copy be sent to the president of the Daughters of the Confederacy.

Senator Terrell of Bowie amended the above motions by Senators Murray and Sturgeon by adding the name of Lieutenant Governor Davidson to the list of names on said motion, which was unanimously adopted by a rising vote.

Both the above motions were then adopted.

Senator Willacy offered the following amendment, which was read and adopted:

Amend the Resolution, Section 2, page 2, line 12, by adding thereto at the end thereof the following words, to wit:

"And in the event a majority of the voters voting thereon shall vote therefor, he shall issue a proclamation declaring said amendment adopted."

WILLACY,
MEACHUM,
SENER,
ALEXANDER,
COFER.

Senator Hayter offered the following amendment, which was read and adopted:

Amend the Resolution by striking out, after the word "one," line 30, page 1, the word "years," and insert in lieu thereof the word "year."

The resolution was read second time, and ordered engrossed by the following vote:

Yeas—26.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Kellie.	Veale.
Masterson.	Ward.
Mayfield.	Watson.
Meachum.	Willacy.

Absent.

Harper.
Stokes.

Thomas.

Absent—Excused.

Hume.

Weinert.

(Lieutenant Governor Davidson in the chair.)

Senator Meachum here moved that Mrs. Mary Hunt Affleck, first vice president of the Daughters of the Confederacy, who was present, be invited to address the Senate at this hour.

The motion was unanimously adopted, and the Chair appointed Senators Meachum, Willacy and Kellie to escort Mrs. Affleck to the President's stand.

Mrs. Affleck was introduced to the Senate by Lieutenant Governor Davidson.

RECESS.

On motion of Senator Peeler, the Senate recessed until 3:30 o'clock today.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

SENATE BILL NO. 68.

On motion of Senator Ward, the special order of business (Senate bill No. 41) was suspended, and the Senate took up, out of its order, Senate bill No. 68, by the following vote:

Yeas—25.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Stokes.
Greer.	Sturgeon.
Hayter.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Kellie.	Veale.
Masterson.	Ward.
Mayfield.	Watson.
Meachum.	Willacy.
Murray.	

Absent.

Harper.	Senter.
Holsey.	Thomas.

Absent—Excused.

Hume.	Weinert.
-------	----------

The Chair laid before the Senate, on third reading,

Senate bill No. 68, A bill to be entitled "An Act to prohibit any corporation, or receiver, operating a line of railway in whole or in part, in the State of Texas, or any officer, agent, or representative of such corporation, or receiver, to retain, maintain, or establish a name on any railway station or depot in any

incorporated or unincorporated town or city within this State, other than the name of the town or city, which town or city bears the name of its postoffice so given by the United States government, and providing penalties for violation of this act, and prescribing the venue of suits and prosecutions thereunder."

The bill was read third time, and passed by the following vote:

Yeas—27.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Stokes.
Greer.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Thomas.
Kellie.	Veale.
Masterson.	Ward.
Mayfield.	Watson.
Meachum.	Willacy.
Murray.	

Absent.

Harper.	Senter.
---------	---------

Absent—Excused.

Hume.	Weinert.
-------	----------

HOUSE BILL NO. 258.

On motion of Senator Greer, the special order of business (Senate bill No. 41) was suspended, and the Senate took up, out of its order, House bill No. 258, by the following vote:

Yeas—28.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Kellie.	Thomas.
Masterson.	Veale.
Mayfield.	Ward.
Meachum.	Watson.
Murray.	Willacy.

Absent.

Harper.

Absent—Excused.

Hume.	Weinert.
-------	----------

The Chair laid before the Senate, on second reading,

House bill No. 258, A bill to be entitled "An Act to amend Section 53 of Chapter 51 of the General Laws of the Twenty-third Legislature, entitled 'An Act to create a more efficient road system in the counties of Cherokee, Houston, Anderson, Trinity, Franklin, Delta, Harrison, Panola, Upshur, Shelby and Smith, and auxiliary thereto, to provide for the appointment of road overseers, to define the powers and jurisdiction of the commissioners courts of said counties with regard thereto, to utilize the labor of defaulting poll taxpayers on the public roads of said counties, and to provide adequate penalties for the violation of the provisions of this act,' approved April 19, 1893, as amended by Chapter 131 of the General Laws of the Twenty-fourth Legislature, entitled 'An Act to amend Chapter 51, Section 1, Section 2, Section 33, Section 53 and Section 54 of the Acts of the Twenty-third Legislature, entitled "An Act to create a more efficient road system in the counties of Cherokee, Houston, Anderson, Trinity, Franklin, Delta and Rusk, and auxiliary thereto,"' etc., by reducing the number of days persons may be compelled to work on the public roads in Upshur county from ten days to five days in each year, and declaring an emergency."

Senator Brachfield moved that the bill lie on the table subject to call.

The motion prevailed.

SENATE BILL NO. 237.

On motion of Senator Peeler, the special order of business (Senate bill No. 41) was suspended, and the Senate took up, out of its order, Senate bill No. 237, by the following vote:

Yeas—27.

Adams.	Peeler.
Alexander.	Perkins.
Brachfield.	Real.
Bryan.	Senter.
Cofer.	Stokes.
Greer.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Kellie.	Thomas.
Masterson.	Veale.
Mayfield.	Ward.
Meachum.	Watson.
Murray.	Willacy.
Paulus.	

Absent.

Harper.

Hayter.

Absent—Excused.

Hume.

Weinert.

The Chair laid before the Senate, on second reading,

Senate bill No. 237, A bill to be entitled "An Act to amend Section 26 of Article 22 of Title 4 of the Revised Civil Statutes of Texas, and to change and prescribe the time for holding district court in the Twenty-sixth Judicial District of the State of Texas, and to define the jurisdiction thereof, and to provide for the venue and transfer of causes in the Twenty-sixth and Fifty-third district courts, and to provide for a clerk of the district court of the Twenty-sixth and Fifty-third Judicial Districts in and for Travis county, and to conform all writs, process, bonds, recognizances and drawing of petit and grand juries of such courts to the change made, and providing for the drawing of grand juries in the Twenty-sixth and Fifty-third Judicial Districts, and to repeal all laws in conflict herewith, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and ordered engrossed.

On motion of Senator Peeler, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Adams.	Peeler.
Alexander.	Perkins.
Brachfield.	Real.
Bryan.	Senter.
Cofer.	Stokes.
Greer.	Sturgeon.
Holsey.	Terrell of McLennan.
Hudspeth.	Thomas.
Kellie.	Veale.
Masterson.	Ward.
Mayfield.	Watson.
Meachum.	Willacy.
Paulus.	

Absent.

Harper.	Murray.
Hayter.	Terrell of Bowie.

Absent—Excused.

Hume.	Weinert.
-------	----------

The bill was read third time, and passed by the following vote:

Yeas—24.

Adams.

Alexander.

Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Holsey.	Stokes.
Hudspeth.	Sturgeon.
Kellie.	Terrell of McLennan.
Masterson.	Thomas.
Mayfield.	Ward.
Meachum.	Watson.
Paulus.	Willacy.

Absent.

Harper.	Terrell of Bowie.
Hayter.	Veale.
Murray.	

Absent—Excused.

Hume.	Weinert.
-------	----------

Senator Peeler moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

INVITATION TO VISIT DALLAS.

Here Senator Perkins called up the invitation and resolution relative to a visit to Dallas, and which was laid on the table subject to call, and moved that the invitation be accepted, and the resolution be adopted.

Pending discussion on the matter, Senator Cofer offered the following amendment to the resolution, which provided for the acceptance of the invitation:

Amend the resolution so that it shall fix the time of the visit to Dallas one week later than that mentioned in the resolution, so that the excursion shall leave Austin Friday, March 5, and return the night of March 7, 1909.

Senator Sturgeon offered the following substitute for the resolution and the amendment:

"Resolved, That it is the sense of this Senate that they do not accept another invitation to leave Austin."

Senator Kellie moved to table the substitute.

The motion to table prevailed.

Action then recurred on the amendment by Senator Cofer, which was lost by the following vote:

Yeas—6.

Brachfield.	Mayfield.
Cofer.	Meachum.
Hayter.	Terrell of Bowie.

Nays—20.

Adams.	Alexander.
--------	------------

Bryan.	Real.
Holsey.	Senter.
Hudspeth.	Stokes.
Kellie.	Sturgeon.
Masterson.	Terrell of McLennan.
Murray.	Veale.
Paulus.	Ward.
Peeler.	Watson.
Perkins.	Willacy.

Absent.

Greer.	Thomas.
Harper.	

Absent—Excused.

Hume.	Weinert.
-------	----------

The resolution was then adopted, and the invitation accepted, by the following vote:

Yeas—21.

Adams.	Peeler.
Alexander.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Hayter.	Stokes.
Holsey.	Terrell of McLennan.
Hudspeth.	Veale.
Kellie.	Ward.
Masterson.	Watson.
Murray.	Willacy.
Paulus.	

Nays—5.

Brachfield.	Sturgeon.
Mayfield.	Terrell of Bowie.
Meachum.	

Absent.

Greer.	Thomas.
Harper.	

Absent—Excused.

Hume.	Weinert.
-------	----------

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, February 23, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

House bill No. 19, A bill to be entitled "An Act to provide for the establishment and maintenance of a school of Agriculture and Mechanical Arts, with a Department of Domestic Science in each of the respective congressional districts of this State, and making an appropriation."

Also grants the request of the Senate

for a Free Conference Committee on Senate bill No. 62, and the following has been appointed on part of the House: Messrs. McDonald, Hill, Fuller, Brownlee, Crockett of Mitchell.

Also adopted the report of the Conference Committee on Senate bill No. 18.

Also adopted the report of the Conference Committee on House bill No. 48, by the following vote: Yeas, 114; nays, 0.

Also returns House bill No. 357 for correction.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

BILL READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had referred, after its caption had been read, the following House bill (see above message for caption):

House bill No. 19 referred to Committee on Educational Affairs.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 48.

Committee Room,

Austin, Texas, February 22, 1909.

Hon. A. B. Davidson, President of the Senate, and Hon. A. M. Kennedy, Speaker of the House of Representatives.

Sirs: Your Conference Committee, to whom was referred House bill No. 48, being a bill to amend the Shelby county road law, have had the same under consideration, and beg leave to recommend that the House concur in the Senate amendments.

Respectfully,

BRACHFIELD,

KELLIE,

HOLSEY,

On part of the Senate,

BOGARD,

TERRELL of Cherokee,

JACKSON,

On part of the House.

SECOND HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, February 23, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the report of the Free Confer-

ence Committee on House bill No. 152, by the following vote: Yeas, 108; nays, 0.

Also concurred in Senate amendments to House bill No. 239.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

BILLS SIGNED.

The Chair (Lieutenant Governor Davidson) gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

House bill No. 69, "An Act to levy an annual occupation tax on the business of selling or offering for sale an intoxicating liquor by soliciting orders therefor in any quantities whatever in any county, justice precinct, town, city or other subdivision of a county where the sale of intoxicating liquors shall be prohibited therein, also levying an annual occupation tax for the keeping, maintaining or operating of any 'cold storage' or any such place where intoxicating or non-intoxicating liquors or beverages are kept on deposit for others under any kind of bailment within the limits of any such local option territory, providing for the issuance of licenses and fixing the penalties for the violation of this act, and providing for injunction to prevent its violation, and declaring an emergency."

House bill No. 56, "An Act to create a more efficient road system for Bexar county, in the State of Texas, and declaring an emergency."

House bill No. 58, "An Act to amend Article 1050, and to repeal Article 1051, Chapter 23, Title 27 of the Revised Statutes of Texas."

House bill No. 68, "An Act to levy an occupation tax on all retail dealers in non-intoxicating malt liquors, and providing for the issuance of licenses, and fixing penalties for the violation of this act, and providing for injunction to prevent its violation, and declaring an emergency."

House bill No. 131, "An Act regulating the holding of the district court in Fannin county."

House bill No. 382, "An Act to amend Article 4 of Chapter 33, Special Laws of the Thirtieth Legislature, entitled 'An Act granting Denison, Grayson county, Texas, a new charter of incorporation, repealing all laws and parts of laws in conflict herewith, and declaring an emergency,' regulating the issu-

ance of bonds by said city, and declaring certain bonds heretofore issued by said city to have been issued in compliance with said act, and to be valid, and declaring an emergency."

ADJOURNMENT.

On motion of Senator Kellie, the Senate adjourned until tomorrow morning at 10 o'clock.

APPENDIX.

COMMITTEE REPORTS.

(Floor Report.)

Austin, Texas, February 23, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, the undersigned members of your Committee on Educational Affairs, to whom was referred

House bill No. 5, A bill to be entitled "An Act to establish the West Texas State Normal College, and providing that the State Board of Education shall control the same, and making an appropriation therefor, and declaring an emergency,"

Have had the same under consideration, and report it back to the Senate with the recommendation that it do pass, and be not printed.

Alexander, Chairman; Meachum, Wil-lacy, Bryan, Real, Brachfield.

(Floor Report.)

Austin, Texas, February 23, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, the undersigned members of your Judiciary Committee No. 1, to whom was referred

Senate bill No. 230, A bill to be entitled "An Act providing that with the exception of foreign corporations which may be required or whose agents within this State may be required to procure from the Commissioner of Insurance and Banking a certificate of authority to do business within this State, any foreign corporation, as a condition precedent to doing within this State any business whatsoever, except interstate business, or to establish within this State a general or special office, shall obtain from the Secretary of State a permit to do business within this State; forbidding the issuance of such permit to certain enumerated classes of corporations; pre-

scribing the manner of obtaining such permit, and fixing the duration thereof; prescribing and defining the rights, powers, privileges and duties of corporations obtaining such permit; providing for the surrender of such permit; denying to corporations embraced by this act the right to maintain any suit or action in any of the courts of this State upon any demand, whether arising out of contract or tort, unless at the time such contract was made or tort committed, such corporation had obtained such permit; providing that violation of any law of this State by any corporation having a permit under this act shall be deemed and held to be a violation of the conditions upon which such permit was issued, and of the provisions of this act, and shall be grounds for judicial forfeiture of such permit; providing penalties and punishment for violations of provisions of this act and for the enforcement of such penalties and punishments; providing procedure in such cases; fixing venue of civil suits for enforcement of the provisions of this act; prescribing rules of evidence relating to such permit or certified copies thereof; repealing Chapter 17 of Title 21 of the Revised Statutes and Chapter 78 of the General Laws of the Regular Session of the Twenty-first Legislature of Texas, and Chapter 119 of the General Laws of the Regular Session of the Twenty-fourth Legislature of Texas and any and all laws and parts of laws in conflict with any of the provisions of this act, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass.

Meachum, Chairman; Peeler, Cofer, Veale, Masterson, Ward, Stokes, Thomas, Paulus.

Committee Room,

Austin, Texas, February 23, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

House bill No. 133, A bill to be entitled "An Act to amend Title 27, Chapter 12, Article 991 of the Revised Civil Statutes of Texas, 1895, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it be referred to the Committee on Judicial Districts.

MEACHUM, Chairman.

Committee Room,

Austin, Texas, February 23, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 223, A bill to be entitled "An Act to amend Article 3503, Title 73, Revised Civil Statutes of 1895, relating to the appointment of notaries public, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MEACHUM, Chairman.

Committee Room,

Austin, Texas, February 23, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

House bill No. 77, A bill to be entitled "An Act to amend Section 2 of Chapter 78 of the General Laws of the Regular Session of the Thirtieth Legislature relating to the taking of fish, the purpose of the amendment being to include Collin county in the exemptions of said Section 2,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MEACHUM, Chairman.

Committee Room,

Austin, Texas, February 23, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Finance Committee, to whom was referred

House bill No. 256, A bill to be entitled "An Act to amend Article 2439 of Chapter 1 of Title 45 of the Revised Statutes of the State of Texas of 1895, in reference to fees of office to be charged and collected by certain State officers, as amended by Chapter 91 of the General Laws of the Regular Session of the Twenty-ninth Legislature, as amended by Chapter 22 of the General Laws of the First Called Session of the Thirtieth Legislature, relating to fees charged by the Secretary of State for charters and permits, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with the following amendment:

Add after the word "thereof," in line 27, page 2, the following: "For each

permit issued by him authorizing a foreign corporation to do business within this State, \$50 for the first \$10,000 of its authorized capital stock, and \$10 for each additional \$10,000 or fractional part thereof; provided, that the fee required to be paid by any foreign corporation for a permit to do the business of loaning money in this State shall in no event exceed \$1000."

WILLACY, Chairman.

(Floor Report.)

Austin, Texas, February 23, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, the undersigned members of your Committee on Educational Affairs, to whom was referred

Senate bill No. 200, A bill to be entitled "An Act creating an independent school district to be known as the Goliad Independent School District, including within its limits the unincorporated town of Goliad, in Goliad county, and to provide for the creating of a board of trustees therefor, and authorize the board of trustees to levy, assess and collect special taxes, and conferring upon the board of trustees powers and authority to issue bonds for the purpose of purchasing school sites, and erecting, repairing, furnishing and equipping school buildings within the same, and to pay current expenses in the maintenance and support of said schools, and to further prescribe the duties and authorities of said board of trustees,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Alexander, Chairman; Real, Veale, Brachfield, Sturgeon, Willacy, Bryan.

(Floor Report.)

Austin, Texas, February 22, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, the undersigned members of your Committee on Judicial Districts, to whom was referred

House bill No. 315, A bill to be entitled "An Act to fix the time of holding courts in the Forty-seventh Judicial District, and to repeal all laws and parts of laws in conflict therewith,"

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass.

Watson, Chairman; Peeler, Sturgeon, Perkins, Masterson, Terrell of Bowie.

(Floor Report.)

Austin, Texas, February 22, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

House bill No. 186, A bill to be entitled "An Act to amend the charter of the city of Galveston by adding thereto a new section to be numbered 69a, authorizing the issuance of bonds for grading, raising and filling to grade certain streets, sidewalks, alleys, lots and blocks in said city, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Senter, Chairman; Masterson, Alexander, Holsey, Cofer, Peeler, Sturgeon, Terrell of McLennan.

Committee Room,

Austin, Texas, February 22, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Public Lands and Land Office, to whom was referred

Senate bill No. 191, A bill to be entitled "An Act to provide for prospecting for mineral on land owned by the State of Texas or the public free school fund and on such land as the State has heretofore or may hereafter sell with the reservation of the mineral therein; also to provide for the prospect and sale of mineral-bearing land, including the minerals and the sale of the minerals in such land as has heretofore or may hereafter be sold with the reservation of minerals therein; providing for the violation of this act, and repealing Chapter 71, Revised Civil Statutes of 1895, and Chapter 99, passed at the Regular Session of the Twenty-ninth Legislature, approved April 15, 1905, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with the following amendment:

Amend the bill by adding Section 17a after Section 17, as follows: "Chapter 71, Revised Civil Statutes of 1895, and Chapter 99, passed at the Regular Session of the Twenty-ninth Legislature, approved April 15, 1905, are hereby repealed."

MURRAY, Chairman.

Committee Room,

Austin, Texas, February 22, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Public Lands and Land Office, to whom was referred

Senate bill No. 85, A bill to be entitled "An Act conveying to the United States of America twenty-five acres of submerged land in the harbor of Galveston for quarantine and other governmental purposes, and to cede to the said United States jurisdiction over the same, and declaring an emergency and an imperative public necessity,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MURRAY, Chairman.

Committee Room,

Austin, Texas, February 22, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Public Lands and Land Office, to whom was referred

Senate bill No. 252, A bill to be entitled "An Act to grant unto the United States of America a section of land in El Paso county, Texas, and to validate the patent issued thereon, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MURRAY, Chairman.

Committee Room,

Austin, Texas, February 22, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Public Lands and Land Office, to whom was referred

Senate bill No. 148, A bill to be entitled "An Act to lease the west half of the northwest quarter of block 122, in the city of Austin, Travis county, Texas, to the Girls' Co-Operative Home Association of Austin,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with the following amendment:

Amend the bill by inserting the word "political" after the word "sectarian" in Section 2.

MURRAY, Chairman.

Committee Room,
Austin, Texas, February 19, 1909.
Hon. A. B. Davidson, President of the
Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 189, "An Act to create the county court of Tarrant county for civil cases; to fix and prescribe the jurisdiction thereof, and to conform to such change the jurisdiction of the county court of Tarrant county; fixing the salaries of the judges of the county court of Tarrant county and of the county court of Tarrant county for civil cases; providing for the appointment and election of the judges of said court hereby created; providing for the appointment of special judges, and filling of said vacancies in said office, and declaring an emergency,"

And find it correctly enrolled, and have this day, at 4:30 o'clock p. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Committee Room,
Austin, Texas, February 19, 1909.
Hon. A. B. Davidson, President of the
Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 132, and find it correctly enrolled, and have this day, at 4:30 o'clock p. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Following is the enrolled bill in full:

An Act authorizing any county in the State of Texas, having a population in excess of 50,000 inhabitants by the last preceding United States census, to submit to the qualified voters the propriety of a bond issue for the construction and maintenance of causeways, viaducts, bridges, and approaches across any rivers within the limits of such county, and to provide for the construction, maintenance and use of such causeways, viaducts, bridges and approaches, and declaring an emergency, as follows, viz.:

Be it enacted by the Legislature of the State of Texas:

Section 1. Whenever the county commissioners of any county in the State of Texas, having a population in excess of 50,000 inhabitants, according to the last preceding census taken by the

United States, deem it expedient so to do, they may order an election to ascertain the will of the qualified voters of such county to determine the propriety of a bond issue to provide for the construction and maintenance of causeways, viaducts, bridges and approaches across any rivers and bottoms within the limits of such county, irrespective of any municipal boundaries.

Sec. 2. The commissioners court of such county shall, prior to ordering any such election as referred to in Section 1 thereof, provide for preliminary surveys and estimates for such work and shall in the order for such election prescribe the amount and terms of such bond issue.

Sec. 3. Whenever the commissioners court of such county deem it necessary or expedient to order such election, the resolution therefor shall be recorded in the minutes of the commissioners court and the resolution shall be submitted to the property owning qualified voters of said county at any regular or special election which may be ordered by said court for that purpose, and if at such election a majority of the votes cast thereon shall be for such resolution, the same shall be deemed to be adopted, but if a majority of the votes cast thereon at such election shall be against said resolution, it shall be deemed to be rejected.

Said election shall be governed in all respects by the law governing elections in this State and the returns shall be made and canvassed in the same manner and the results declared by proclamation of the county judge of said county, which proclamation shall be posted in at least three public places in said county, and at the option of said county judge published in some newspaper in said county.

Sec. 4. No person shall be permitted to vote at any election provided for in the next preceding section of this act, unless he is a property owner and taxpayer, and qualified voter of said county. Those desiring to vote for the resolution shall have written or printed on their tickets the words: "For the resolution to issue bonds to _____" (here insert purpose of the proposed bond issue as set forth in said resolution), and those desiring to vote against the resolution shall have written or printed on their tickets the words: "Against the resolution to issue bonds to _____" (here insert such purpose of the proposed bond issue as set forth in said

resolution). Such tickets shall be written or printed on plain white paper with black ink or pencil and shall contain no distinguishing mark or device, except as above provided, and if printed, shall be in type of uniform size and face.

Sec. 5. If at the election herein provided for a majority of the qualified voters voting thereon at such election shall vote in favor of the resolution provided for in Section 3 of this act, and after the commissioners court has canvassed said vote and declared the result, and after the proclamation of said county judge, declaring the result, it shall be the duty of said court, under the supervision and direction of the Comptroller of this State to prepare and execute the bonds of the county for such sums as may be deemed advisable by said court, not exceeding the amount stipulated in said resolution, said bonds to bear not exceeding 5 per cent interest, payable annually, and which shall be redeemable in not less than five years and not more than forty years from the date thereof, the time of maturity to be expressed on the face of the bonds, and shall have such bonds registered or enrolled as in case of other county bonds, and the same shall not be sold nor negotiated at less than their par value; provided, that in no case shall said court issue bonds under this act for a greater sum or amount than that a levy for this purpose of 5 cents on the \$100 property valuation of said county will yield sufficient revenue to pay such interest, as it accrues, and will at the same time create a sinking fund sufficient to pay the principal of such bonds at maturity.

Sec. 6. When the bonds of the county are issued and sold under the provisions of this act it shall be the duty of said commissioners court to levy an annual ad valorem tax on all property of the county, which tax, when collected, shall be used only for the purpose of paying interest on said bonds and creating a sinking fund to pay the principal of same.

Sec. 7. The commissioners court of such county is authorized to contract with individuals, firms or corporations for the privilege of using such causeways, viaducts, bridges and approaches, or constructing and maintaining and using tracks, telegraph lines or other such privileges as said commissioners may deem expedient, but shall make no exclusive nor preferential contracts, and before executing any such contracts

shall give notice by posting at the courthouse door and in three other public places in said county the full terms and nature of such proposed contracts before execution of same.

Sec. 8. Any revenues that may accrue from any contract or contracts made in accordance with the provisions of the preceding section may be appropriated by the commissioners court to the maintenance and repair of such structure or structures, and such court shall have the authority to make adequate provision for such maintenance and repair as in the case of any other structure under its control. In the event the revenues accruing from the use of any such structure shall exceed the expenditures for its maintenance and repair, any such excess shall be applied to the road and bridge fund of the county.

Sec. 9. The commissioners court shall have authority to make rules and regulations for the use of any structure erected under the provisions of this act and to provide for the enforcement thereof.

Sec. 10. All laws or such parts of laws as are in conflict with the provisions of this act are hereby repealed.

Sec. 11. Emergency clause.

Committee Room,

Austin, Texas, February 23, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 157, A bill to be entitled "An Act to provide for the speedy and efficient enforcement of the liens of mechanics and artisans on the buildings, improvements and articles made or repaired by them, etc.,"

And find the same correctly engrossed.

WARD, Chairman.

Committee Room,

Austin, Texas, February 23, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 68, A bill to be entitled "An Act to prohibit any corporation, or receiver, operating a line of railway in whole, or in part, in the State of Texas, or any officer, agent, or representative of such corporation, or receiver, to retain, maintain, or establish a name on any railway station or depot in any incorporated, or unincorporated

town or city within this State, other than the name of the town or city, which town or city bears the name of its postoffice so given by the United States government, and providing penalties for violation of this act, and prescribing the venue of suits and prosecutions thereunder,"

And find the same correctly engrossed.
WARD, Chairman.

Committee Room,
Austin, Texas, February 23, 1909.
Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 169, A bill to be entitled "An Act to name the several counties composing the Twenty-third and the Fifty-first Judicial Districts of the State of Texas, and to fix the time for holding the district courts therein, and to repeal an act entitled 'An Act to name the several counties composing the Fifty-first Judicial District, and to fix the times for holding the district courts therein,' and to repeal all laws and parts of laws in conflict herewith, Chapter 72, General Laws of the State of Texas, page 98, passed by the Twenty-eighth Legislature, and to repeal Section 2 of an act entitled 'An Act to amend an act to reorganize the Twenty-seventh, Thirty-third and Thirty-fifth Judicial Districts of the State of Texas, and to fix the time for holding court therein, as passed by the Twenty-seventh Legislature, Chapter 64, page 133, and to repeal all laws and parts of laws in conflict therewith,' passed by the Twenty-ninth Legislature, Chapter 37, page 47, in so far as the latter act conflicts with the provisions of this act relating to the organization of the Thirty-third Judicial District of the State of Texas,"

And find the same correctly engrossed.
WARD, Chairman.

Committee Room.
Austin, Texas, February 23, 1909.
Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 141, A bill to be entitled "An Act to prohibit corporations in incorporated cities and towns furnishing water, electricity, gas and telephone service to citizens of such cities from discontinuing same without notice, and

prescribing conditions under which they may discontinue same where controversy arises from charges of such corporation, and prescribing penalties for violating the provisions of this act, and declaring an emergency,"

And find the same correctly engrossed.
WARD, Chairman.

Committee Room,
Austin, Texas, February 23, 1909.
Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 22, A bill to be entitled "An Act authorizing the United States to acquire title to land on Galveston Island, and declaring an emergency,"

And find the same correctly engrossed.
WARD, Chairman.

Committee Room,
Austin, Texas, February 23, 1909.
Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 143, A bill to be entitled "An Act to prevent any person from unlawfully using or wearing the badge or button or other emblem of certain orders and organizations,"

And find the same correctly engrossed.
WARD, Chairman.

Committee Room,
Austin, Texas, February 23, 1909.
Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 247, A bill to be entitled "An Act to authorize and empower Lamar county or any political subdivision of said county by an affirmative vote of two-thirds of the resident property taxpayers, qualified voters of such county or political subdivision thereof voting thereon, to issue bonds, to any amount not exceeding one-fourth of the assessed valuation of the real property of such county, or of such political subdivision, and to levy and collect taxes to pay the interest on such bonds, and to provide a sinking fund for the redemption thereof for the purpose of constructing, maintaining and operating macadamized, ballasted, graded or paved roads and turnpikes, and

prescribing ways and means of conducting and supervising said work,"

And find the same correctly engrossed.
WARD, Chairman.

Committee Room,

Austin, Texas, February 23, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 192, A bill to be entitled "An Act to amend Section 1, Chapter 6 of the Special Laws enacted by the Thirtieth Legislature, entitled 'An Act incorporating the Baird Independent School District in Callahan county, Texas, for free school purposes only; defining its boundaries, and providing for a board of trustees; divesting the city of Baird of the control of its public schools and title to school property and vesting the same in said Baird Independent School District and its board of trustees; prescribing the rights, powers, privileges and duties of said Baird Independent School District and its board of trustees, and repealing all laws in conflict herewith,"

And find the same correctly engrossed.
WARD, Chairman.

Committee Room,

Austin, Texas, February 23, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 110, A bill to be entitled "An Act making it a criminal offense punishable by fine for any person in this State to use any vulgar, profane, obscene or indecent language over or through any telephone, and declaring an emergency,"

And find the same correctly engrossed.
WARD, Chairman.

PETITIONS AND MEMORIALS.

The Chair (Lieutenant Governor Davidson), had the following read to the Senate:

To the Honorable Senate and House of Representatives of the Thirty-first Legislature of Texas:

We, the undersigned telephone companies and owners of telephone properties within this State, most earnestly petition your honorable body to give careful consideration to what we deem a

most certain injustice to, and flagrant discrimination against our interests under existing tax laws, which is apparent from the following:

An examination of the records in the office of the State Treasurer and that of the Comptroller reveals: The total assessed valuation of all properties within this State for the year 1908 (round numbers is used) is 2174 million dollars. The assessed valuation of all telephone properties is 7 million dollars, which is 1-300th of the assessed value of all properties within this State. Any informed person knows that the actual value of all telephone properties in Texas is not worth 1-2500th of the total taxable property of this State. The facts are we are frightfully over-assessed, but because of constitutional provisions, we can not ask legislative relief in this respect. Three and one-fourth million dollars is the total amount of taxes raised for the State's general revenues for the year 1908 from taxation upon all properties. Of this sum the telephone companies paid \$90,000, which is 3 per cent of this tax paid to the State. If these properties had been an equal share of these taxes with all other properties, they would have paid one-third of 1 per cent, or 1-300th of these taxes, instead of 1-35th, as they did pay.

Thus we see they paid more than nine times the general average rate. To state it another way, one dollar of telephone money paid to the State general revenue as much taxes as nine dollars not invested in telephone properties.

No other business or property pays as great a rate of taxes as the telephone properties. For comparison, let us take the railroads, which pay more to this fund than the average rate. In 1908, they paid to the State for general revenue purposes on their assessed ad valorem value, intangible assets and franchise a total of \$245,000. This sum equals 15 cents on each \$100 of their ad valorem values, while the telephone properties paid to the same fund an amount equal to \$1.28 on each \$100 of their assessed ad valorem value. The railroad paid above the general average rate paid by properties generally, and yet telephone properties paid nine times the rate paid by the railroad, and they pay not only on their ad valorem but also on their intangible assets and franchises. This inequality is in the matter of the taxes paid the State for general revenues only. In all other respects we pay the same rate as borne by other properties to support county, school and

city affairs, and hence of these we make no complaint or comment.

This extraordinary burden grows out of the tax on gross receipts, and is so exorbitant and unequal because of the vast expenditures necessarily consumed in earning our revenues. The tax of 1½ per cent on our gross receipts amounts to not less than 10 per cent of our net earnings.

Believing the legislators do not understand the great injustice being done us as shown by these figures and comparisons, we respectfully direct attention to the matter and ask that the taxes on our gross receipts be repealed, and we trust the Legislature to do justice by a useful, legitimate and most necessary business.

In this connection, we beg to direct attention to House bill No. 29, Senate bill No. 93 and Senate bill No. 141, and to rumors of a bill to put telephone properties under the Railroad Commission. If either of these measures were to become a law, the telephone interests of this State would be severely crippled, further development retarded, and not only would we but the public generally suffer.

We pray you most earnestly to not further burden us with expenses and regulations which can but injure the service and retard further development, but to grant us the relief herein prayed for, and to which we are justly entitled, thereby evincing a spirit of encouragement rather than one seemingly unfriendly to our interests.

Respectfully submitted,
 WHITEWRIGHT TELEPHONE CO.
 R. MAY, President,
 W. C. MAY, Manager.

The Chair (Lieutenant Governor Davidson), had the following read to the Senate:

Stamford, Texas, February 12, 1909.

To the Honorable Senate and the Honorable House of Representatives of the Thirty-first Legislature of the State of Texas:

The Stamford Commercial Club would respectfully memorialize the Honorable Senate and House of Representatives of the Thirty-first Legislature of the State of Texas to give respectful heed and earnest support to the timely and patriotic recommendations of Governor Thomas M. Campbell and Agricultural Commissioner Ed R. Kone, in making appropriations for the support and enlargement of the Department of Agri-

culture of this great (and destined to be still greater) agricultural State.

Speaking especially of Central West Texas, of which section we feel at liberty to speak, we would most respectfully represent unto your honorable bodies that though agriculture throughout this wonderfully fertile portion of our State is but in its infancy, the fact has been abundantly demonstrated that all the staple crops grow luxuriantly and bear surprisingly here.

In all conscience we think we have, all things considered, the best cotton growing country on earth. Indian corn, milo maize, kaffir corn, wheat, oats, alfalfa, sorghum and various fruits, such as apples, pears, peaches and grapes of practically all kinds have succeeded wherever in this section they have been tried.

We would, though, in this connection call to your attention the fact that while our splendid lands have produced from three-quarters of a bale to a bale and a half of cotton per acre, and from thirty to sixty-five bushels of Indian corn per acre, and from fifty to one hundred and three bushels of kaffir corn and milo maize per acre, and from forty to eighty bushels of oats per acre, and from twenty to forty-seven bushels of wheat per acre, our cultural methods have been altogether crude, and we can but think that with the application of scientific and approved modernized methods these results, gratifying as they are and have been, would be very largely discounted.

The simple truth is, gentlemen, we make bold to say, no man knows what our Central West Texas lands are capable of producing. We feel morally certain that nothing like the limit of their productiveness has ever been attained or approached.

Bear you in mind that the development of this immediate country is the development of Texas.

To the full and complete development of so vast a commonwealth with so many, and we may say, illimitable resources is a task worthy the most active co-operation of all patriotic citizens. No man is above applying himself assiduously to the task.

To this praiseworthy end we beg you individually and collectively to maintain by liberal appropriations the Agricultural Department of Texas.

It is, we think, not only useful, but indispensable to the agricultural and horticultural development of agricultural and horticultural Texas that said

department be maintained, and we do with great respect insist that its maintenance is so highly important that liberal appropriations should be made by your Legislature for its support and enlargement.

Experimental stations and demonstration farms should be provided and maintained by the State.

It is, we hope, in no selfish spirit that we say such stations and farms are sorely needed in this section and should be provided us.

We have many soils—all extremely fertile. It must and can but be to the interest of the State to know the productive possibilities of these soils.

Our lands are black, red and light. We have the stiff black and loamy or sandy black. We have the stiff red and loamy or sandy red. We have some light sandy soils. All of these lands are known to grow and produce the staple farm crops of the State and vegetables and fruits. So far as we know, tobacco has never been experimented with in this section, but it should be. Much of our soil is entirely similar to the soils where the best qualities of tobacco have been grown, and we can not think our superb climate inimical to its production.

We might in this connection mention many things that if scientific methods were applied to their culture could be profitably grown in this region, things that have never been grown here, nor the growing of which attempted. For instance, we have every reason to believe that ribbon cane can be grown here and the manufacture of ribbon cane syrup assured. On a small scale it has been grown successfully on our sandy bottom lands. By scientific experimentation this might be made a very important agricultural product of this section. We only mention these things to show how very necessary it is to have such stations and farms and how very valuable such stations and farms may be made to be.

The peanut, we beg to say, is not an experiment, as the production and shipment of hundreds of thousands of bushels of these nutritious nuts the past year has proven this country's claim to being the ideal peanut country. Experimental stations will demonstrate, however, the most valuable manufacturing and commercial uses to which the peanut may be put, a fact that is not so well understood perhaps as it should be.

We speak directly of the benefits this section may derive from the continued

maintenance and the appropriate enlargement of the State Agricultural Department. For of these matters we personally know. We do not at the same time doubt the vast advantages its maintenance and enlargement will be to other sections of the State. Very much new country is being developed in other parts of Texas.

Experimental stations and demonstration farms can and will do great things, we do in all candor believe, in the development of the great Panhandle country of Texas and in the great coast section of the State as well.

As Kansas has so richly profited by her department of agriculture, so can Texas do likewise if this department is properly supported. As has the Department of Agriculture of the national government been beneficial to the agricultural masses throughout the United States, so can the Department of Agriculture of Texas be vastly more beneficial to this great State.

All these matters and things considered, we do most respectfully and earnestly memorialize your honorable bodies to make appropriations for the support and enlargement of the State department in question commensurate with its vast and vaster growing importance to the empire agricultural and horticultural State of the Union, as recommended by his Excellency, the Governor, and his very able and efficient State Commissioner of Agriculture.

Signed—F. S. Hastings, President; C. M. Pattillo, L. M. Buie, B. E. Sparks, R. L. Penick, Jas. A. White, R. V. Colbert, J. F. P. Pool, T. M. Richardson, Jr., Chas. Brewington, W. T. Andrews, J. A. Lambdin, W. M. Imboden, Executive Committee of the Stamford Commercial Club; Homer D. Wade, Secretary.

By Senator Thomas:

We, the undersigned citizens of Cooper, Delta county, Texas, believing a State training school for children to be a necessity for reclaiming incorrigibles, endorse the bill providing for such an institution, as prepared by joint committees from the County Judges and Commissioners Association of Texas and the Texas Federation of Women's Clubs, and hereby request our legislators to give the bill their immediate support.

Numerously signed.

By Senator Sturgeon:

We, the undersigned, citizens and taxpayers of Lamar county, Texas, and

vicinity, hereby earnestly request and petition our Representatives and Senator to work for the amendment or change of the anti-pass law, so as to allow the railroads of Texas to issue free passes to the immigration agents in Texas, for we believe that they are a factor in the upbuilding and development of our great State.

Numerously signed.

By Senator Veale:

Dalhart, Texas, February 13, 1909.

To Hon. John W. Veale, Senator, Austin, Texas:

Your petitioners, the undersigned resident freeholders of Dallam and Hartley counties, believing that a petition is being circulated asking you to introduce a bill at the present session of the Legislature, the purpose of which is to include said Dallam and Hartley counties within the provisions of Section 1, Chapter 5a, 1893, page 97, in relation to stock running at large in different counties of the State. We wish to remonstrate against the passage of any law to that effect and would respectfully represent that as yet nearly all of the territory embraced in the two said counties is occupied for stockraising and a very small per cent for agricultural purposes, and that the stock-raising industry would be destroyed by the passage of such a bill.

Numerously signed.

By Senator Murray:

Goliad, Texas, February 19, 1909.

Hon. W. Murray, Senator, Austin, Texas.

Dear Sir: Messrs. McDonald and Wilson have introduced a bill in the House requiring officers of banks to furnish to the assessor a list of all their deposits and requiring the assessor to report to the assessors of other counties the amount of money on deposit in his county belonging to citizens of such other counties, and requiring a similar report to be made to the State revenue agent.

We, the undersigned, citizens of Goliad county, believe such a measure to be against the welfare of our great State, and every county in it. There would not only be no increase in the State and county revenue under such a law, but there would be an actual falling off of the same by reason of a stagnation of business. Those who have heretofore not rendered their bank deposits for taxation would simply draw such deposits out of the bank and place

them in hiding, and thus take that much money out of circulation. Such a law would operate to cause tremendous withdrawals of deposits from the banks at the very time they are most needed for carrying on the business of the country. And for every dollar of deposits withdrawn the banks would be compelled to call in their loans to an equal amount. Banks would be forced to keep large reserves, not knowing at what minute they might be called upon to give up large volumes of deposits. They would be afraid to lend out their money, which they would readily lend under ordinary circumstances. The merchant could not secure his usual accommodations to carry him over until his customers could pay him in the fall. The farmer who had mortgaged his team and tools for money on which to make his crop would be closed out in order to collect the necessary money to pay depositors as they withdraw their funds. Every line of business would be paralyzed. A great, unjust and unnecessary hardship would be worked on all classes of people with no benefit to any.

We, therefore, earnestly protest against the passage of any such bill, and beg that you use every effort to defeat the same.

Numerously signed.

By Senator Perkins:

McKinney, Texas, February 20, 1909.

Fifth Senatorial District.

To the Honorable Tom W. Perkins, State Senator, Austin, Texas.

Dear Sir: We, the undersigned parties, being citizens of Collin county, Texas, and having a deep interest in the farmer, exhibitor and breeder in Texas, do hereby petition you to vote for and support with your influence the bill known as the breeders' bill, introduced by the Hon. E. G. Senter of Dallas.

A. E. BUCK,

And 85 other Collin county citizens.

By Senator Real:

Whereas, It has come to the notice of the board of directors of the San Antonio International Fair Association that a drastic bill prohibiting wagering on horse racing in the State of Texas is shortly to be introduced in the Thirty-first Legislature; and

Whereas, The International Fair was organized solely for the purpose of holding fairs, race meetings and entertainments for the purpose of developing the resources of the State of Texas, and the promotion of agricultural and livestock

raising in all their various branches, and

Whereas, It has been found by long experience that the most attractive feature of the fair has been its races, which serve to attract many visitors, and without whose attendance the general admissions would be so small as to eventually result in failure and bankruptcy to the association; and

Whereas, The abolition of horse racing would destroy one of Texas' foremost industries, i. e., the breeding of fine horse stock, which statistics now show represents millions of invested capital; therefore be it

Resolved, By this directory that the honorable Thirty-first Legislature be petitioned not to pass any drastic measures that would prohibit horse racing at the live stock and agricultural fairs; and be it further

Resolved, That a copy of these resolutions be sent to each member of the Legislature from this district; that a copy be sent to the various fair associations throughout the State of Texas, and that a copy be given to the press for publication.

Numerously signed.

By Senator Adams:

Ballinger, Texas, February 15, 1909.

Hon. W. N. Adams, Austin, Texas.

We, the undersigned, voters of Runnels county, respectfully petition you to support Senate bill No. 27, prohibiting the State from granting license to retail liquor dealers.

Numerously signed.

By Senator Hudspeth:

To the Honorable State Senators of Texas:

We, the undersigned, citizens of Reeves and adjoining counties, respectfully petition your honorable body to vote for breeders' bill and against Robertson's bill, now about to come up before you.

Numerously signed.

By Senator Masterson:

Texas City, Texas, February 18, 1909.

To Hon. T. W. Masterson, Senator, and Messrs. Jens Moller and Marsene Johnson, Representatives, Austin, Texas.

Gentlemen: I am a property owner in Velasco and a citizen of Texas, and respectfully ask that you see to it that the bill appropriating \$102,500 for improvements at the mouth of the Brazos

river, Texas, be included in the rivers and harbors bill of the present Congress.

This appropriation is badly needed, and we hope you will grant the request is the desire of every person interested in Velasco.

Yours truly,

J. W. GRESHAM.

The Chair had the following read to the Senate:

Plainview, Texas, February 23, 1909.

The State Senate, Austin, Texas:

We, the undersigned, citizens of Hale county, do hereby petition your honorable body to vote for the breeders' bill and against the Robertson bill. Petition with one hundred signers secured within three hours. Only five citizens refused to sign petition. Big majority in favor of breeders' bill. Trust your body will protect the breeders of Texas. Petition mailed.

J. J. ELLARD.

By Senator Sturgeon:

Trenton, Texas, February 20, 1909.

Hon. B. B. Sturgeon, State Senator, Austin, Texas.

Dear Sir: We, the undersigned, citizens of Trenton, Fannin county, Texas, respectfully petition you to vote for the breeders' bill and against the Robertson bill, which lays fairs, racing and breeders in Texas.

Numerously signed.

THIRTY-SECOND DAY.

Senate Chamber,
Austin, Texas,

Wednesday, February 24, 1909.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

Roll call, quorum present, the following Senators answering to their names:

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Thomas.
Kellie.	Veale.
Masterson.	Ward.
Mayfield.	Watson.
Meachum.	Willacy.
Murray.	